

CIVIL ACTION REMOVED

1. Case Number: 14C-3292 in the Circuit Court of Davidson County, Tennessee, which is styled "*Joe Anna Kelly, individually, and as next of kin for Billy Joe Vaughn v. SavaSeniorCare, LLC, a Delaware Limited Liability Company, and SSC Nashville Operating Company, LLC, a Delaware Limited Liability Company, both d/b/a Greenhills Health and Rehabilitation Center,*" is a civil action that was filed on August 8, 2014. The Plaintiff alleges that the Defendants committed ordinary negligence while providing care to Billie Joe Vaughn while he was a resident at the nursing home, Greenhills Health & Rehabilitation Center.

DIVERSITY OF CITIZENSHIP

2. The Plaintiff alleges that she is an adult resident of the State of Tennessee.

3. During Mr. Vaughn's residency period at Greenhills Health and Rehabilitation Center which was from August 6, 2013, until September 30, 2013, Defendant SSC Nashville Operating Company LLC was a Delaware limited liability company. Its sole equity member was SSC Submaster Holdings LLC. SSC Submaster Holdings LLC's sole equity member was SSC Equity Holdings, LLC. SSC Equity Holdings, LLC's sole equity member was SavaSeniorCare, LLC. SavaSeniorCare, LLC's sole equity member was SVCARE Holdings LLC. SVCARE Holdings, LLC's sole equity member was Canyon Sudar Partners, LLC. Canyon Sudar Partners, LLC has two members, CS Preferred, LLC, a Delaware limited liability company and Murray Forman, a resident of New York. CS Preferred, LLC has four members: Leonard Grunstein, a resident of New Jersey; Numberland Holdings, LLC, a Delaware limited

liability company; Southpark Holdings, LLC, a Delaware limited company; and Fairwether Holdings, LLC, a Delaware limited liability company. Numberland Holdings, LLC has one member, The Numberland 2013 Trust. The Trustees of The Numberland 2013 Trust are Eli and Suzanne Grunstein, both of whom are residents of New Jersey. Southpark Holdings, LLC has one member, The Spark 2013 Trust. The Trustees of The Spark 2013 Trust are Michal and Michael Fruchter, both of whom are residents of New Jersey. Fairwether Holdings, LLC has one member, The Fairwether 2013 Trust. The Trustees of The Fairwether 2013 Trust are Rachel and Steven Fried, both of whom are residents of California. See **Exhibits 1 and 2**, the affidavits of Wynn G. Sims and Murray Forman, respectively.

4. An LLC is a citizen of every state in which one of its members is a citizen. *Delay v. Rosenthal Collins Group, LLC*, 585 F.3d 1003, 1005 (6th Cir. 2009). Based on the structure as set out above, SavaSeniorCare, LLC, and SSC Nashville Operating Company LLC, were residents of New York, New Jersey, and California.

5. SSC Nashville Operating Company LLC does business as Greenhills Health and Rehabilitation Center.

6. SSC Nashville Operating Company LLC's residency is set out above, and it is not a resident of Tennessee. SSC Nashville Operating Company LLC, as the licensee and operator of the nursing home, is the only business entity responsible for the day to day operations at the nursing home in question. It is responsible for hiring, screening, training, and monitoring the staff at the facility, as well as, addressing issues related to staffing and nursing care at the nursing home.

7. The Plaintiff is a resident of Tennessee, and none of the Defendants are residents of Tennessee. Therefore, there is complete diversity of citizenship between the parties as defined by 28 U.S.C. § 1322(a)(1).

FACTS AND CONTROVERSY SUPPORTING JURISDICTIONAL AMOUNT

8. Plaintiff's Complaint (which is attached as part of **Exhibit 3**) alleges ordinary negligence on the part of SSC Nashville Operating Company LLC and seeks damages for Billie Joe Vaughn's injuries and death.

9. The Complaint seeks recovery for the alleged negligence which Plaintiff contends resulted in the development of infections due to decubitus ulcers which caused pain, suffering, and death. The Complaint seeks up to \$1,500,000.00 in compensatory damages and an additional \$250,000.00 for the Plaintiff's loss of consortium, as well as further general relief for costs and discretionary costs. Thus, the amount in controversy exceeds the jurisdictional requirement of \$75,000.00, exclusive of costs and interest, as required by 28 U.S.C. § 1332. Therefore, this action may be removed to this Court pursuant to 28 U.S.C. § 1441.

10. Accordingly, this civil action is one in which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332, in that it is a civil action between citizens of different states, wherein the amount in controversy exceeds the sum of \$75,000.00, exclusive of costs and interest. Therefore, this action may be removed to this Court pursuant to 28 U.S.C. § 1441.

TIMELINESS OF REMOVAL

11. The first of the served Defendants was served with process on August 11, 2014. Therefore, thirty days have not elapsed since the removing Defendants were

served with process or first became aware that federal jurisdiction exists, and Defendant's removal is timely as required by 28 U.S.C. § 1446(b).

12. All Defendants join in this removal.

COPIES OF STATE COURT PROCEEDINGS

13. Pursuant to 28 U.S.C. § 1446(a), the Defendants attach hereby as **Exhibit 3** and incorporate herein by reference, a true and correct copy of all process, pleadings and orders served upon these Defendants on file in Case No. 14C-3292 in the Circuit Court of Davidson County, Tennessee.

NOTICE TO THE STATE COURT

14. The Defendants will immediately file with the Circuit Court of Davidson County, Tennessee, a true and correct copy of this Notice, thereby effecting removal of this action to this Court. As per 28 U.S.C. § 1446(d), no further proceedings shall be had in the Circuit Court of Davidson County, Tennessee.

NOTICE TO PLAINTIFF

15. Pursuant to 28 U.S.C. § 1446(d), and consistent with the Certificate of Service, the Plaintiff is being provided with a copy of this Notice of Removal.

WHEREFORE, PREMISES CONSIDERED, Defendant SSC Nashville Operating Company LLC d/b/a Greenhills Health and Rehabilitation Center and SavaSeniorCare, LLC, respectfully pray that this Court will receive this Notice of Removal, place it upon the docket of this Court, and that the Circuit Court of Davidson County, Tennessee will proceed no further in this action unless and until this matter is remanded.

Respectfully submitted this the 5th day of September, 2014.

SavaSeniorCare, LLC, and SSC Nashville
Operating Company LLC d/b/a Greenhills
Health and Rehabilitation Center

HAGWOOD ADELMAN TIPTON, PC



David M. Eaton (BPR #25849)

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CERTIFICATE OF SERVICE

I hereby certify on the 5th day of September, 2014, a copy of the foregoing has been delivered via hand delivery and email to the following:

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A handwritten signature in cursive script, reading "David M. Eaton". The signature is written in dark ink and is positioned above a horizontal line.

David M. Eaton